



Atty. Dkt. No. 073406-0402

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

\$1653
p#20

Applicant: Jerry Pelletier, et al.

Title: DNA SEQUENCES FROM
STAPHYLOCOCCUS AUREUS
BACTERIPHAGE 77 THAT
ENCODE ANTI-MICROBIAL
POLYPEPTIDES

Appl. No.: 09/407,804

Filing Date: 09/28/1999

Examiner: S. Tu

Art Unit: 1653

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| Deborah Wiles | (Printed Name) |
| <i>Deborah Wiles</i> | (Signature) |
| 3/28/02 | (Date of Deposit) |

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Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith are:

- [X] Information Disclosure Statement (2 pgs.)
- [X] Form PTO 1449 (4 pgs.) and 53 references.
- [X] A check in the amount of \$180.00 is enclosed.
- [X] Postcard

Respectfully submitted,

Date 28 March 2002
FOLEY & LARDNER
P.O. Box 80278
San Diego, California 92138-0278
Telephone: (858) 847-6714
Facsimile: (858) 792-6773

By *Wesley B. Ames*
Wesley B. Ames
Attorney for Applicant
Registration No. 40,893

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, D.C. 20231

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Sir:

Pursuant to 37 C.F.R. §§ 1.97-98 and in accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant submits herewith the references listed on the attached Form PTO-1449 to the Examiner such that they may be considered and made of record in the above-identified application. A copy of each reference is enclosed.

This Information Disclosure Statement is being filed after the mailing date of the first Office Action on the merits, but before the mailing date of either a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311. Accordingly, Applicant has enclosed a check in the amount of \$180.00 to cover the fee set forth in 37 C.F.R. § 1.17(p) for Submission of an Information Disclosure Statement under 37 C.F.R. § 1.97(c).

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed



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herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

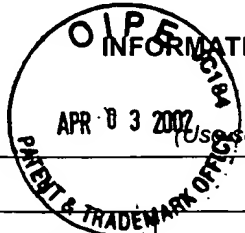
Respectfully submitted,

Date 28 March 2002

By Wesley B. Ames

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Wesley B. Ames
Attorney for Applicant
Registration No. 40,893

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| Form PTO-1449 (MODIFIED) | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTY. DOCKET NO. 073406-0402 | SERIAL NO. 09/407,804 |
|  INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) | | APPLICANT Jerry Pelletier, et al. | |
| | | FILING DATE 09/28/1999 | GROUP ART UNIT 1653 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB- CLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----|--------------------|------------|-------------------|-------|---------------|----------------------------------|
| | A1 | 3,691,016 | 09/12/1972 | Patel | | | |
| | A2 | 3,969,287 | 07/13/76 | Jaworek et al. | | | |
| | A3 | 4,195,128 | 03/25/1980 | Hildebrand et al. | | | |
| | A4 | 4,229,537 | 10/21/1980 | Hodgins et al. | | | |
| | A5 | 4,247,642 | 01/27/1981 | Hirohara | | | |
| | A6 | 4,330,440 | 05/18/1982 | Ayers et al. | | | |

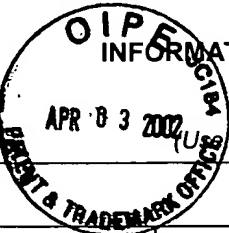
FOREIGN PATENT DOCUMENTS

| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB- CLASS | TRANSLATION | |
|--|-----|--------------------|------------|---------|-------|---------------|-------------|----|
| | | | | | | | YES | NO |
| | A7 | EP 0 072 925 A2 | 03/02/1983 | Europe | | | | |
| | A8 | EP 0 748 871 A1 | 12/18/1996 | Europe | | | | |
| | A9 | EP 0 786 519 A2 | 07/30/1997 | Europe | | | | |
| | A10 | WO 89/00199 | 01/12/1989 | WIPO | | | | |
| | A11 | WO 95/27043 | 10/12/1995 | WIPO | | | | |


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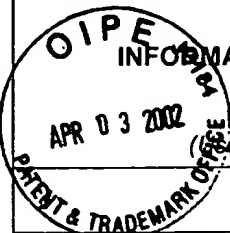
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|  INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) | | | | APPLICANT Jerry Pelletier, et al. | |
| | | | | FILING DATE 09/28/1999 | GROUP ART UNIT 1653 |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | |
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| Form PTO-1449 (MODIFIED)  (Use several sheets if necessary) | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION | ATTY. DOCKET NO. 073406-0404 | SERIAL NO. 09/407,804 |
| | | APPLICANT Jerry Pelletier, et al. | |
| | | FILING DATE 09/28/1999 | GROUP ART UNIT 1653 |
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| EXAMINER | | | DATE CONSIDERED | | |
| <p>* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.</p> | | | | | |

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PATENTS
DATE MAILED: MARCH 28, 2002
ATTORNEY/SEC: WBA/DLW

CLIENT NAME PHAGETECH, INC.
ATTORNEY DOCKET NO.: 073406-0402
APPLICANT(S): PELLETIER, ET AL.
APPLICATION NO.: 09/407,804
FILED 9/28/99
TITLE: DNA SEQUENCES FROM STAPHYLOCOCCUS AUREUS BACTERIOPHAGES 77 THAT ENCODE ANTIMICROBIAL POLYPEPTIDES
PAPERS ENCLOSED:

- ☒ TRANSMITTAL LETTER (1 PAGE)
- ☒ INFORMATION DISCLOSURE STATEMENT: 2 PAGE(S)
- ☒ PTO FORM 1449: 4 PAGE(S)
- ☒ NUMBER OF PRIOR ART REFERENCES: 53

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